

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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DAMIEN M. GRIFFIN,

Plaintiff,

v.

Case No. 16-CV-716

PHIL PRZYBYLINSKI,

Defendant.

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ORDER GRANTING DEFENDANT'S MOTION TO COMPEL (DOC. 23)

This matter comes before the court on defendant's motion to compel plaintiff to provide a medical release. Defendant explains that he has sent plaintiff three requests to sign a medical release and plaintiff has not responded to any of them. *Id.* Moreover, plaintiff has not responded to this motion to compel, and he has not provided the court with information on why he has not signed the medical release.

Under the Health Insurance Portability and Accountability Act (HIPAA), health care providers cannot "use or disclose protected health information without an authorization that is valid under this section." 45 C.F.R § 164.508(a)(1). This means that defendant cannot access plaintiff's psychological file, and thereby defend this case, without a signed medical release form. If plaintiff seeks to proceed with his Eighth Amendment claim involving his psychological care, he must provide defendant with a signed medical release. Therefore,

IT IS ORDERED that defendant's motion to compel (Doc. 23) is granted. Plaintiff must provide defendant with a signed medical release on or before **February 10, 2017**. If plaintiff fails to sign a medical release by this date, this case will be dismissed with prejudice.

Dated at Milwaukee, Wisconsin, this 18<sup>th</sup> day of January, 2017.

BY THE COURT

/s/ C. N. Clevert, Jr.

C. N. CLEVERT, JR.

U.S. District Judge